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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,570	09/14/2005	Aloys Wobben	970054.480USPC	5519
500 7590 10/08/2008 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104				
EXAMINER WHITE, DWAYNE J				
ART UNIT 3745		PAPER NUMBER		
MAIL DATE 10/08/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,570

Applicant(s)

WOBBEN, ALOYS

Examiner

DWAYNE J. WHITE

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendment filed 29 August 2008 has been fully considered. Claims 1-4, 6-9 and 16-18 are pending. Applicant has amended independent claims 1, 6 and 8 recite the limitation of "the winch mounted on a vehicle at the base of the wind power installation, without using a crane separate from the pylon to support the winch." This new limitation has been considered and deemed persuasive. The 103(a) rejection made in view of Weitkamp and Bervang has been withdrawn. Upon updated search and further consideration a new rejection is being made in view of Weitkamp and Boyer (6,494,437) or Jackson (3,829,064).

Claim 16 has been amend to place it into independent form. Upon updated search the Examiner has made a rejection of the subject matter of claim 16 in view of Nickelson and Boyer or Jackson (3,829,064). The Examiner regrets any inconvenience this may have caused Applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weitkamp (EP-1101934 A) in view of Boyer (6,494,437). Weitkamp discloses a wind power installation ("installation") 10 comprising a pylon 14 having a pod 18; a winch 60; a base

12; at least one deflection roller 64 and at least one rope passage 50 in the region of the pylon head for passing through a hauling cable from the winch. Weitkamp further discloses a second cable passage means (See passage for cable 62) disposed above the pylon head and configured to raise and lower components of the installation within the pylon. The Examiner notes that the winch is also located within the pylon and the pylon is a hollow shaft. Weitkamp does not disclose the winch being located outside the pylon mounted on a transport vehicle.

Boyer teaches a winch being mounted on a transport vehicle. The Examiner also notes that Applicant states in the Background of the Invention that it is well known in the art to transport a winch to installation for raising and lowering components. Therefore, it is the position of the Examiner that it would have been obvious at the time the invention was made to one of ordinary skill in the art to provide the winch on a transport vehicle as taught by Boyer for the purpose of installing components of a wind power installation. In regards to method claims 6 and 7 the combination of Weitkamp and Boyer as disclosed above would be inherently capable of performing the method as claimed.

Claims 1-4, 6, 7, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weitkamp (EP-1101934 A) in view of Jackson (3,829,064). Weitkamp discloses a wind power installation ("installation") 10 comprising a pylon 14 having a pod 18; a winch 60; a base 12; at least one deflection roller 64 and at least one rope passage 50 in the region of the pylon head for passing through a hauling cable from the winch. Weitkamp further discloses a second cable passage means (See passage for cable 62) disposed above the pylon head and configured to raise and lower components of the installation within the pylon. The Examiner notes that the

winch is also located within the pylon and the pylon is a hollow shaft. Weitkamp does not disclose the winch being located outside the pylon mounted on a transport vehicle.

Jackson teaches a winch system being mounted on a transport vehicle. The Examiner also notes that Applicant states in the Background of the Invention that it is well known in the art to transport a winch to installation for raising and lowering components. Therefore, it is the position of the Examiner that it would have been obvious at the time the invention was made to one of ordinary skill in the art to provide the winch on a transport vehicle as taught by Jackson for the purpose of installing components of a wind power installation. In regards to method claims 6 and 7 the combination of Weitkamp and Jackson as disclosed above would be inherently capable of performing the method as claimed.

Claims 8, 9, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nickelsen (EP 1101936 A2) in view of Boyer (6,494,437). Nickelsen discloses a wind power installation comprising: a pylon (not labeled); a base; a pod (referred to as the nacelle); a winch 31; a cable guide 35; a blade opening 33; and a cable 32 coupled to the winch wherein the winch may be located within the rear of the housing. Nickelsen further shows in Figure 7 shows the cable 32 passes through the opening 34 in the pod and a second opening in the pod (the second opening being the opening for the blade. Nickelsen does not disclose the winch being located outside the pylon mounted on a transport vehicle.

Boyer teaches a winch being mounted on a transport vehicle. The Examiner also notes that Applicant states in the Background of the Invention that it is well known in the art to transport a winch to installation for raising and lowering components. Therefore, it is the

position of the Examiner that it would have been obvious at the time the invention was made to one of ordinary skill in the art to provide the winch on a transport vehicle as taught by Boyer for the purpose of installing components of a wind power installation. In regards to method claims 6 and 7 the combination of Nickelsen and Boyer as disclosed above would be inherently capable of performing the method as claimed.

Claims 8, 9, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nickelsen (EP 1101936 A2) in view of Jackson (3,829,064). Nickelsen discloses a wind power installation comprising: a pylon (not labeled); a base; a pod (referred to as the nacelle); a winch 31; a cable guide 35; a blade opening 33; and a cable 32 coupled to the winch wherein the winch may be located within the rear of the housing. Nickelsen further shows in Figure 7 shows the cable 32 passes through the opening 34 in the pod and a second opening in the pod (the second opening being the opening for the blade. Nickelsen does not disclose the winch being located outside the pylon mounted on a transport vehicle.

Jackson teaches a winch system being mounted on a transport vehicle. The Examiner also notes that Applicant states in the Background of the Invention that it is well known in the art to transport a winch to installation for raising and lowering components. Therefore, it is the position of the Examiner that it would have been obvious at the time the invention was made to one of ordinary skill in the art to provide the winch on a transport vehicle as taught by Jackson for the purpose of installing components of a wind power installation. In regards to method claims 6 and 7 the combination of Nickelsen and Jackson as disclosed above would be inherently capable of performing the method as claimed.

CONCLUSION

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DWAYNE J. WHITE whose telephone number is (571)272-4825. The examiner can normally be reached on 7:00 am to 3:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dwayne J White/
Examiner, Art Unit 3745

DJW